

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:02cr59-DCB

CHAD JOSEPH VENEZIA

DEFENDANT

ORDER

This matter comes before the Court on the defendant's Motion for Reconsideration of Sentence [**docket entry no. 62**]. Having reviewed the Motion, brief, applicable statutory and case law, and being otherwise fully advised as to the premises, the Court finds and orders as follows:

On August 8, 2005, the Court entered a judgment revoking Chad Joseph Venezia's probation because he had committed three probation violations [docket entry no. 58].¹ The defendant was sentenced to twenty-four months imprisonment. On September 14, 2006, over one year later, Venezia filed a Motion for Reconsideration of Sentence [docket entry no. 59]. On November 16, 2006, this Court issued its Order [docket entry no. 60] denying the defendant's Motion based upon want of jurisdiction due to the fact that it was filed more than ten days after entry of the judgment.

On March 22, 2007, the defendant filed another Motion for

¹On March 17, 2005, Venezia tested positive for marijuana. Exactly one week later, the defendant tested positive for both marijuana and amphetamine. Finally, on April 14, 2005, Venezia was arrested by the Hancock County, Mississippi Sheriff's Department and charged with simple possession of marijuana, armed robbery, and possession of a firearm by a convicted felon.

Reconsideration of Sentence [docket entry no. 62]. That Motion is now before the Court.

For the same reasons delineated in its previous Order [docket entry no. 60], the Court again concludes that it lacks jurisdiction to consider the defendant's Motion because it was filed more than ten days after entry of the judgment. U.S. v. Cook, 670 F.2d 46, 48 (5th Cir. 1982) (dismissing motion for reconsideration filed outside ten-day period); U.S. v. Vidal-Morales, 115 Fed. Appx. 714 (5th Cir. 2004) (dismissing untimely filed motion for reconsideration of sentence) (per curiam); U.S. v. Cisneros-Garza, 58 Fed. Appx. 596 (5th Cir. 2003) (per curiam). Accordingly,

IT IS HEREBY ORDERED that the defendant's Motion for Reconsideration of Sentence [**docket entry no. 62**] is **DENIED**.

SO ORDERED, this the 18th day of October, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE